



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1259

Introduced 2/6/2009, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

20 ILCS 301/15-5
720 ILCS 570/508

from Ch. 56 1/2, par. 1508

Amends the Illinois Controlled Substances Act and the Alcoholism and Other Drug Abuse and Dependency Act. Prohibits the establishment or operation of a methadone treatment clinic within 100 feet of a church, school other than an institution of higher learning, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, with specified exceptions. Also makes a technical correction. Effective immediately.

LRB096 08876 RLC 19011 b

1 AN ACT concerning controlled substances.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 15-5 as follows:

6 (20 ILCS 301/15-5)

7 Sec. 15-5. Applicability.

8 (a) It is unlawful for any person to provide treatment for
9 alcoholism and other drug abuse or dependency or to provide
10 services as specified in subsections (c), (d), (e), and (f) of
11 Section 15-10 of this Act unless the person is licensed to do
12 so by the Department. The performance of these activities by
13 any person in violation of this Act is declared to be inimical
14 to the public health and welfare, and to be a public nuisance.
15 The Department may undertake such inspections and
16 investigations as it deems appropriate to determine whether
17 licensable activities are being conducted without the
18 requisite license.

19 (b) Nothing in this Act shall be construed to require any
20 hospital, as defined by the Hospital Licensing Act, required to
21 have a license from the Department of Public Health pursuant to
22 the Hospital Licensing Act to obtain any license under this Act
23 for any alcoholism and other drug dependency treatment services

1 operated on the licensed premises of the hospital, and operated
2 by the hospital or its designated agent, provided that such
3 services are covered within the scope of the Hospital Licensing
4 Act. No person or facility required to be licensed under this
5 Act shall be required to obtain a license pursuant to the
6 Hospital Licensing Act or the Child Care Act of 1969.

7 (c) Nothing in this Act shall be construed to require an
8 individual employee of a licensed program to be licensed under
9 this Act.

10 (d) Nothing in this Act shall be construed to require any
11 private professional practice, whether by an individual
12 practitioner, by a partnership, or by a duly incorporated
13 professional service corporation, that provides outpatient
14 treatment for alcoholism and other drug abuse to be licensed
15 under this Act, provided that the treatment is rendered
16 personally by the professional in his own name and the
17 professional is authorized by individual professional
18 licensure or registration from the Department of Professional
19 Regulation to do such treatment unsupervised. This exemption
20 shall not apply to such private professional practice which
21 specializes primarily or exclusively in the treatment of
22 alcoholism and other drug abuse. This exemption shall also not
23 apply to intervention services, research, or residential
24 treatment services as defined in this Act or by rule.

25 Notwithstanding any other provisions of this subsection to
26 the contrary, persons licensed to practice medicine in all of

1 its branches in Illinois shall not require licensure under this
2 Act unless their private professional practice specializes
3 exclusively in the treatment of alcoholism and other drug
4 abuse.

5 (e) Nothing in this Act shall be construed to require any
6 employee assistance program operated by an employer or any
7 intervenor program operated by a professional association to
8 obtain any license pursuant to this Act to perform services
9 that do not constitute licensable treatment or intervention as
10 defined in this Act.

11 (f) Before any violation of this Act is reported by the
12 Department or any of its agents to any State's Attorney for the
13 institution of a criminal proceeding, the person against whom
14 such proceeding is contemplated shall be given appropriate
15 notice and an opportunity to present his views before the
16 Department or its designated agent, either orally or in
17 writing, in person or by an attorney, with regard to such
18 contemplated proceeding. Nothing in this Act shall be construed
19 as requiring the Department to report minor violations of this
20 Act whenever the Department believes that the public interest
21 would be adequately served by a suitable written notice or
22 warning.

23 (g) The location of a methadone treatment clinic is subject
24 to the restrictions in subsection (c) of Section 508 of the
25 Illinois Controlled Substances Act.

26 (Source: P.A. 88-80; 89-202, eff. 7-21-95; 89-507, eff.

1 7-1-97.)

2 Section 10. The Illinois Controlled Substances Act is
3 amended by changing Section 508 as follows:

4 (720 ILCS 570/508) (from Ch. 56 1/2, par. 1508)

5 Sec. 508. (a) The Department shall encourage research on
6 controlled substances. In connection with the research, and in
7 furtherance of the purposes of this Act, the Department may:

8 (1) establish methods to assess accurately the effect
9 of controlled substances and identify and characterize
10 those with potential for abuse;

11 (2) make studies and undertake programs of research to:

12 (i) develop new or improved approaches,
13 techniques, systems, equipment and devices to
14 strengthen the enforcement of this Act;

15 (ii) determine patterns of use, misuse, and abuse
16 of controlled substances and their social effects; and

17 (iii) improve methods for preventing, predicting,
18 understanding, and dealing with the use, misuse and
19 abuse of controlled substances; and

20 (3) enter into contracts with public agencies,
21 educational institutions, and private organizations or
22 individuals for the purpose of conducting research,
23 demonstrations, or special projects which relate to the
24 use, misuse and abuse of controlled substances.

1 (b) Persons authorized to engage in research may be
2 authorized by the Department to protect the privacy of
3 individuals who are the subjects of such research by
4 withholding from all persons not connected with the conduct of
5 the research the names and other identifying characteristics of
6 such individuals. Persons who are given this authorization
7 shall not be compelled in any civil, criminal, administrative,
8 legislative or other proceeding to identify the individuals who
9 are the subjects of research for which the authorization was
10 granted, except to the extent necessary to permit the
11 Department to determine whether the research is being conducted
12 in accordance with the authorization.

13 (c) The Department may authorize the possession and
14 dispensing of controlled substances by persons engaged in
15 research, upon such terms and conditions as may be consistent
16 with the public health and safety. The Department may also
17 approve research and treatment programs involving the
18 administration of Methadone. The use of Methadone, or any
19 similar controlled substance by any person is prohibited in
20 this State except as approved and authorized by the Department
21 in accordance with its rules and regulations. To the extent of
22 the applicable authorization, persons are exempt from
23 prosecution in this State for possession, manufacture or
24 delivery of controlled substances. Notwithstanding any other
25 provision of law to the contrary, a methadone treatment clinic
26 shall not be established or operated within 100 feet of any

1 church, school other than an institution of higher learning,
2 home for aged or indigent persons or for veterans, their
3 spouses or children or any military or naval station; however,
4 this prohibition does not apply to a methadone treatment clinic
5 within 100 feet of any church or school where the church or
6 school has been established within such 100 feet since the
7 commencement of operation of the methadone treatment clinic. In
8 the case of a church, the distance of 100 feet shall be
9 measured to the nearest part of any building used for worship
10 services or educational programs and not to property
11 boundaries. As used in this Section, "methadone treatment
12 clinic" means a facility authorized by the Department to use
13 the drug methadone in the treatment, maintenance, or
14 detoxification of persons.

15 (d) Practitioners registered under Federal law to conduct
16 research with Schedule I substances may conduct research with
17 Schedule I substances within this State upon furnishing
18 evidence of that Federal registration and notification of the
19 scope and purpose of such research to the Department.

20 (Source: P.A. 83-969; revised 10-23-08.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.